

DOCKET NO: 201066US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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IN RE APPLICATION OF :

SEIJI SANO, ET AL. : EXAMINER: RUTHKOSKY, M.

SERIAL NO: 09/800,887 :

FILED: MARCH 8, 2001 : GROUP ART UNIT: 1745

FOR: FUEL CELL SYSTEM AND
METHOD FOR OPERATING FUEL CELL :

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated September 26, 2003, Applicants elect Group II, corresponding to claims 8-12, and 23 drawn to a polymer electrolyte fuel cell system with a relative humidity detection means, an operation control means, classified in class 429, subclass 22. Claim 23 is drawn to a polymer electrolyte fuel cell system with a fuel cell, a control system with detectors to detect a relative humidity of an exhaust gas, and a control portion **with traverse** for prosecution in the present application.

Applicants traverses the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Application No. 09/800,887
Reply to Office Action of September 26, 2003

In the present application any search of the elected method claims would also include the classes and subclasses appropriate for searching the product and apparatus claims, and so then would be no undue burden if all of the claims were examined together.

Respectfully submitted,

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/800,887

Applicants: Seiji SANO, et al.

Filing Date: March 8, 2001

For: FUEL CELL SYSTEM AND METHOD FOR
OPERATING FUEL CELL

Group Art Unit: 1745

Examiner: RUTHKOSKY, M.

SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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